



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
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April 2, 2019

Ms. Loretta Sheehan, Chairperson
and Members of the Honolulu Police Commission
1060 Richards Street, Suite 170
Honolulu, HI 96813

Subject: Payment of Attorney's Fees in the Kealoha Case

Dear Chairperson Sheehan and Members of the Police Commission,

As members of the Honolulu City Council, we take this opportunity to voice our disagreement with the Honolulu Police Commission's recent decision to require the City to pay for former Honolulu Police Department Chief of Police Louis Kealoha's ("Chief Kealoha") attorney's fees in connection with the First Superseding Indictment in United States v. Katherine P. Kealoha, et al., Case No. 17CR0582-JMS-RLP, commonly referred to as the "mail box theft" case.

The mail box theft case alleges acts of conspiracy and obstruction of official proceedings against Chief Kealoha, his wife Katherine Kealoha ("Ms. Kealoha"), and several HPD officers. These alleged co-conspirators are charged with numerous illegal acts, including misusing HPD resources; abusing their law enforcement authority; fabricating, altering, and concealing evidence in order to support false claims of criminal conduct, and presenting false testimony and evidence against Ms. Kealoha's uncle.

Such acts cannot and do not constitute acts done in the performance of Chief Kealoha's duty as a police officer. Instead, the thrust of the allegations are that Chief Kealoha and Ms. Kealoha were acting as private citizens in their attempt to produce evidence and file reports that would lead to the arrest of Ms. Kealoha's uncle for allegedly stealing their personal, residential mailbox. The fact that Chief Kealoha was Chief of Police at the time of the alleged illegal acts does not convert Chief Kealoha's acts to ones done in the performance of his duty as a police officer.

Payment of Attorney's Fees in the Kealoha Case
April 2, 2019
Page 2

We would also like to emphasize that the City Council normally relies on the legal advice of the Corporation Counsel in determining whether, in any civil or criminal case, the acts of a city employee were done in the performance of official duties and responsibilities. It is our understanding that the Corporation Counsel advised the Honolulu Police Commission on two separate occasions that Chief Kealoha's acts were not done in the performance of his official duty.

Finally, we would like to express our serious concern that the Honolulu Police Commission's decision will burden the City and its taxpayers.

Based on the foregoing, we are respectfully requesting that the Honolulu Police Commission reconsider its decision regarding the payment of Chief Kealoha's attorney's fees. Your careful consideration of this matter would be appreciated.

Very sincerely yours,



Councilmember Ron Menor, Chair
Committee on Executive Matters & Legal Affairs



Council Chair Ann Kobayashi
Honolulu City Council